

REMARKS

Introductory Comments:

Claims 1-6, 10, 18 and 19 were examined in the Office Action under reply and stand rejected under 35 U.S.C. §102. These rejections are believed to be overcome as discussed more fully below.

Applicants note with appreciation the withdrawal of all of the previous rejections and objections.

Overview of the Above Amendments:

Claims 1, 5 and 6 have been amended to recite that the fragment is "at least 16 consecutive amino acids." Support for this amendment can be found throughout the specification at, e.g., page 3, line 1.

New claims 24-32 have been added. Claims 24, 25 and 26 depend from claims 1, 5 and 6, respectively and recite SEQ ID NO:51 as the specific embodiment. Claims 27-29 depend from claims 24-26, respectively and recite immunogenic compositions. Claims 30-32 depend from claims 27-29, respectively and recite methods for raising an immune response. Support for the new claims can be found in the claims as filed, as well as throughout the specification at, for example, page 7, lines 19-20; and page 8, lines 1-2.

The foregoing amendments are made without prejudice, without intent to abandon any originally claimed subject matter, and without intent to acquiesce in any rejection of record. Applicants expressly reserve the right to file one or more continuing applications containing the cancelled and/or unamended claims.

Rejoinder:

All currently pending withdrawn method claims depend from the amended composition claims. Thus, applicants reiterate their request that withdrawn claims 13, 21 and 22, and new

claims 30-32, be rejoined with the elected claims upon allowance of the product claims.

35 U.S.C. §102:

Claims 1-6, 10, 18 and 19 were rejected under 35 U.S.C. §102(a) as anticipated by PCT Publication No. WO 03/010194 to Arico et al. ("Arico"). Additionally, claims 1-6, 10, 18 and 19 were rejected under 35 U.S.C. §102(b) over PCT Publication No. WO 99/57280 to Fraser et al. ("Fraser"). The Office asserts each of Arico and Fraser teaches an amino acid sequence comprising a fragment of at least 8 consecutive amino acids of SEQ ID NO:51. However, applicants submit the present claims are patentable over these rejections.

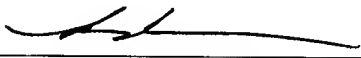
In particular, all claims now recite the fragment is at least 16 amino acids in length. Thus, these bases for rejection have been overcome and withdrawal thereof is respectfully requested.

CONCLUSION

Applicants submit that the claims define a patentable invention and that a Notice of Allowance is therefore in order. If the Examiner notes any further matters which may be resolved by a telephone interview, the Examiner is encouraged to contact the undersigned by telephone at 650-493-3400.

Respectfully submitted,

Date: 10/6/2010

By: 
Roberta L. Robins
Registration No. 33,208

ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Telephone: (650) 493-3400
Fax: (650) 493-3440